

Karen M. Oakes OSB # 98463
Law Office of Karen M. Oakes, P.C.
6502 South 6th Street
Klamath Falls, OR 97603
(541) 273-1650
karenmo@charter.net

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

IN THE MATTER OF:

CHILDERS, RITA.
CHILDERS, ROBERT
Debtors

CASE NO. 06-61441-aer13

RITA CHILDERS,
ROBERT CHILDERS,
Plaintiffs,

ADV. PROCEEDING NO. 06-06328-aer

v.

GE MONEY BANK
GE CONSUMER FINANCE,
RECOVERY MANAGEMENT SYSTEMS
CORPORATION AND RAMESH SINGH.
Defendants.

AMENDED
COMPLAINT FOR VIOLATIONS OF THE
PERMANENT INJUNCTION, FILING A FALSE
PROOF OF CLAIM, DECLARATORY JUDGMENT
AND FINDING OF CONTEMPT

Plaintiffs, by and through their attorney, Karen M. Oakes, allege the following:

1.

This Adversary Proceeding is filed to seek redress for the unlawful and deceptive practices committed by GE Money Bank, GE Consumer Finance, Recovery Management Systems Corporation, and its agent, Ramesh Singh, in connection with their efforts to collect a debt discharged by the debtors' Chapter 7 bankruptcy in the Plaintiffs' Chapter 13 bankruptcy case. Defendants' conduct involves turning over a discharged debt for collection and falsely representing that a discharged debt is still owed by filing multiple proofs of claim in the Debtors' Chapter 13 bankruptcy case, the sole purpose of which is to obtain payment of a discharged debt and to collect twice on one debt. Plaintiffs seek monetary, declaratory, and injunctive relief based on Defendants' violations of 11 U.S.C. Section 524, demonstrating contempt for this court. This action is also filed to enforce the Discharge Order duly entered in this Chapter 7 case, and to enforce and implement other Bankruptcy Code provisions and Rules related thereto, and to prevent an

abuse of process and to preclude the frustration of the orderly discharge of the debts in this case and for the adverse impact such State law violations have on the applicable provisions of Title 11 of the U. S. Code.

2

This Court has jurisdiction over this Adversary Proceeding pursuant to 28 U.S.C. § 157, § 1334 and 11 U.S.C. § 523.

3

This matter is a core proceeding and therefore the Bankruptcy Court has jurisdiction to enter a final order. However, if this matter is determined to be a non-core proceeding, then and in that event, the Plaintiffs consent to the entry of a final order in this proceeding by the Bankruptcy Judge.

4.

Venue lies in this District pursuant to Section 1391(b) of Title 28 of the United States Code. This Court has supplemental jurisdiction to hear all state law claims pursuant to Section 1367 of Title 28 of the United States Code. Thus, federal subject matter jurisdiction is properly founded upon Section 1331 of Title 28 of the United States Code.

5.

The Plaintiffs in this case were debtors under Chapter 7 of Title 11 of the United States Code having filed a voluntary Chapter 7 bankruptcy petition in the United States Bankruptcy Court for the District of Oregon in case number 05-66456-aer7 on August 5, 2005. On December 22, 2005, the Plaintiffs were granted a discharge of all dischargeable debts pursuant to 11 U.S.C. § 524, including any debt owed to GE Money Bank dba Car Care One. The Plaintiffs in this case are debtors under Chapter 13 of Title 11 of the United State Code having filed a voluntary Chapter 13 bankruptcy petition in the United State Bankruptcy Court for the District of Oregon in case number 06-61441-aer13 on July 30, 2006.

6.

The Defendant GE Money Bank (hereinafter referred to as "GEMB") is a federal association and is engaged in the business of lending and extending credit through branded cards, to-wit: Car Care One. GEMB's principal place of doing business is 246 South Riverboat Road, Salt Lake City, UT 84123 and

Mark W. Begor is president/CEO of GEMB. Defendant GE Consumer Finance (hereinafter "GECF") is a subsidiary corporation in the GEMB family of corporations and its president is Margaret Keane. GECF's headquarters is located at 777 Long Ridge Rd Bldg C, Stamford, CT 06927-0001. Defendant Recovery Management Systems Corporation (hereinafter "RMSC") is a debt collection agency whose principal place of business is 25 Southeast 2nd Avenue, Miami, Florida 33131-1506 and whose president is Eleanor Cohen, 5151 Collins Avenue, Apt. #431, Miami Beach, FL 33140. Ramesh Singh is an employee of RMSC and as agent for RMSC, signed the proofs of claim and submitted those proofs of claim to the Bankruptcy Court in the Plaintiffs' Chapter 13 bankruptcy case.

Factual Allegations

7.

Plaintiffs filed for Chapter 7 Bankruptcy protection on August 5, 2005 in case number 05-66456-aer7. In that case, Plaintiffs' Creditor Matrix listed GEMB/Car Care One. Plaintiffs' Schedule F listed GEMB/Car Care One as an unsecured creditor in the amount of \$855.00.

8

The Clerk of the Bankruptcy Court caused a written notice of the filing, of the automatic stay, and of the §341(a) meeting of creditors to be mailed by first class mail or electronically transmitted to all parties on the master mailing matrix and that such notice was in fact provided to Defendant by United States Mail by the Bankruptcy Court on August 10, 2005. A copy of that notice is attached hereto as Exhibit 1 and incorporated herein by reference.

9.

The debtors allege upon information and belief that the notice mailed by the Court included the following warning to all creditors: "CREDITORS MAY NOT TAKE CERTAIN ACTIONS: The filing of the bankruptcy case automatically stays certain collection and other actions against the debtor, debtor's property, and certain co-debtors. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized."

10.

Additionally, Defendant GEMB dba Car Care One was given notice of representation by Plaintiff's counsel by letter dated May 3, 2005, said letter advising Defendant of representation by counsel and that Defendant should check with the Bankruptcy Court to determine if a bankruptcy filing had taken place by

Plaintiff before acting further. The phone number for the Eugene Division Bankruptcy Court Clerk's Office was provided within that letter. A copy of that notice is attached hereto as Exhibit 2 and incorporated herein by reference.

11.

Defendant GEMB was given additional notice of the existence of the bankruptcy case and received notices from the Debtors' attorney of the filing of a Motion to Appoint Next Friend, by mailing dated 11/30/05, as shown by the certificate of service attached to said Motion, filed with the court in the Chapter 7 bankruptcy case. A copy of the certificate of service is attached hereto as Exhibit 3 and incorporated herein by reference.

Defendant GEMB did not respond or object to that motion, which was subsequently granted. Defendant GEMB was given notice of the Debtors' discharge on December 24, 2005, as shown by the Clerk's Certificate of Service filed with the Court on that date, a copy of which is attached hereto as Exhibit 4 and incorporated herein by reference.

12

The Plaintiffs found it necessary to file a Chapter 13 Bankruptcy in Case Number 06-61441-aer13, on July 30, 2006, primarily to a mortgage arrearage. According to the Chapter 13 Plan filed in that case, creditors will be paid 100% of their claims. Defendant GEMB did not appear on the Plaintiffs' Chapter 13 Creditor Matrix and was not listed on any of Debtors' Schedules.

13.

Plaintiffs are of the belief that GEMB, having received notice of the bankruptcy filing, nonetheless transferred the debt to a subsidiary corporation, GE Consumer Finance, for collection.

14.

Plaintiffs are of the belief that GECF consequently, without regard for the bankruptcy discharge and or without having procedures in place to prevent the collection of discharged debt, transferred the debt to RMSC, a debt collection agency for collection of the debt.

RMSC was not listed on the Plaintiffs' Chapter 13 mailing matrix but Plaintiffs are of the belief that RMSC subscribes to a bankruptcy notification service which prompted the filing of a proof of claim. Plaintiffs are of the belief that RMSC does not have adequate procedures in place to prevent the collection of debts discharged in bankruptcy, although their filing of a claim in the Chapter 13 case

when no official notice went out, indicates that they have some form of system to notify of bankruptcy filings.

15.

On August 30, Defendants RMSC and Singh filed a proof of claim in the Plaintiffs' Chapter 13 case, attached hereto as Exhibit 5 and incorporated herein by reference. Said proof of claim was given the designation as "Claim 5" and purported to be for a debt incurred in 2004-2006 and was in the amount of \$885.29. The summary page attached to Claim #5 listed account number "601918RMS3586233" and that it was filed by GE Consumer Finance for GE Money Bank, although the signature line designates that Ramesh Singh signed on behalf of Recovery Management Systems Corporation.

16.

On September 19, 2006, Defendants GEMB and Singh filed a second proof of claim, attached as Exhibit 6 and incorporated herein by reference. Said claim was given the designation as "Claim 6" and purported to be for a debt incurred in 2004-2004 and was in the amount of \$404.82. The summary page attached to Claim #6 listed account number "601918RMS358623" and that it was filed by GE Consumer Finance for GE Money Bank, although the signature line designates that Ramesh Singh signed on behalf of Recovery Management Systems Corporation.

17.

Plaintiff Rita Childers alleges that prior to and subsequent to the filing of this Complaint, she has engaged in meetings and telephone calls with her attorney about these matters. Plaintiffs are elderly and their only source of income is pension and social security retirement. Their Chapter 13 Plan stretches their budget, paying 100% of the creditors as listed, much less additional fraudulent claims. Plaintiffs have been forced to spent money on gas to travel back and forth to their attorney's office. Plaintiff Rita Childers has had to hire a caregiver to care for Robert Childers during these meetings with her attorney. Plaintiff Rita Childers has suffered sleepless nights and anxiety worrying about how she would be able to complete her Chapter 13 Plan should the claim prevail. Plaintiff Rita Childers cares for Robert Childers on a daily basis as he is incompetent; suffering from Alzheimer's and she is, herself, not well. Defendants' actions have caused Plaintiff Rita Childers a considerable

amount of worry which affects her ability to care for Plaintiff Robert Childers and his care has suffered as a result of Defendants' actions.

AS TO GE MONEY BANK:

18.

Complaint One

(Contempt - Permanent Injunction)

The allegations in paragraphs 1 through 17 of this complaint are realleged and incorporated herein by this reference.

19.

Defendant GEMB's actions in transferring the debt for collection to GE Consumer Finance for collection, following discharge of the debt in bankruptcy, when Defendant GEMB had actual notice of Plaintiffs' bankruptcy through numerous notices from the Debtors' attorney and official notices from the Bankruptcy Court, is an intentional and/or willful violation of the permanent injunction against collection of discharged debts imposed by 11 U.S.C. § 524.

20.

Defendant's violation of the permanent injunction has caused Plaintiffs damages in the form of emotional distress, attorney fees and costs.

AS TO GE CONSUMER FINANCE:

21.

Complaint Two

(Contempt - Permanent Injunction)

The allegations in paragraphs 1 through 17 of this complaint are realleged and incorporated herein by this reference.

22.

Defendant GECF's actions in transferring the debt for collection to Recovery Management Systems for collection, following discharge of the debt in bankruptcy, when GECF knew or should have known of the Plaintiffs' Chapter 7 bankruptcy filing, through official notices from the Bankruptcy Court, is a

willful violation of the permanent injunction against collection of discharged debts imposed by 11 U.S.C. § 524.

23.

Defendant's violation of the permanent injunction has caused Plaintiffs damages in the form of emotional distress, attorney fees and costs.

AS TO RECOVERY MANAGEMENT SYSTEMS CORPORATION AND RAMESH SINGH:

24.

Complaint Three

(Contempt - Permanent Injunction)

The allegations in paragraphs 1 through 17 of this complaint are realleged and incorporated herein by this reference.

25.

The filing of Claim No. 5 by Defendants RMSC and Singh in order to collect money from the Chapter 13 Bankruptcy Estate of a debt discharged in bankruptcy when Defendants knew or should have known of Plaintiffs' Chapter 7 bankruptcy is a willful violation of the permanent injunction against collection of discharged debts imposed by 11 U.S.C. § 524.

26.

Defendants' violation of the permanent injunction has caused Plaintiffs damages in the form of emotional distress, attorney fees and costs.

27.

Complaint Four

(Contempt - Permanent Injunction)

The allegations in paragraphs 1 through 17 of this complaint are realleged and incorporated herein by this reference.

28.

The filing of Claim No. 6 to collect additional money from the Chapter 13 bankruptcy Estate of a debt discharged in a Chapter 7 bankruptcy when Defendants knew or should have known of the Plaintiffs' Chapter 7 bankruptcy filing is a willful violation of the permanent injunction against collection of discharged debts imposed by 11 U.S.C. § 524.

29.

Defendants' violation of the permanent injunction has caused Plaintiffs damages in the form of emotional distress, attorney fees and costs.

30.

Complaint Five

(Contempt - Permanent Injunction)

The allegations in paragraphs 1 through 17 of this complaint are realleged and incorporated herein by this reference.

31.

The filing of duplicate claims in the Plaintiffs' Chapter 13 bankruptcy case for different amounts, when Defendants knew or should have known of the Plaintiffs' Chapter 7 bankruptcy filing, is a willful violation of the permanent injunction against collection of discharged debts imposed by 11 U.S.C. § 524.

32.

Defendants' violation of the permanent injunction has caused Plaintiffs damages in the form of emotional distress, attorney fees and costs.

33.

Complaint Six

(Contempt – False Proof of Claims)

The allegations in paragraphs 1 through 17 of this complaint are realleged and incorporated herein by this reference.

34.

The filing of duplicate claims in the Plaintiffs' Chapter 13 bankruptcy case for different amounts, for one account, said account being discharged in the Plaintiffs' Chapter 7 bankruptcy filing, is an attempt to be paid twice on a discharged debt and constitutes filing a false proof of claim(s).

35.

Defendants' filing of a false proof of claim has caused Plaintiffs damages in the form of emotional distress, attorney fees and costs.

//

WHEREFORE, Plaintiffs respectfully request that judgment be entered against Defendants for the following:

- A. That the Plaintiffs have and recover against the Defendants a sum to be determined by the Court in the form of actual damages;
- B. That the Plaintiff has and recovers against the Defendants a sum to be determined by the Court in the form of punitive damages;
- C. That the Plaintiffs have and recover against the Defendants all reasonable legal fees and expenses incurred by their attorney;
- E. That the Court issue a declaratory judgment that the Defendants are found to be in contempt of this Court's Discharge Order;
- F. That the Court issue a declaratory judgment that the Defendants are found to be contempt for filing false proof of claims;
- F. That the Court provide injunctive relief by ordering that the Defendants report that this debt has a zero balance and is discharged in bankruptcy to the credit reporting agencies to which they reports routinely;
- G. That the Plaintiffs have such other and further relief as the Court may deem just and proper.

DATED this 15th day of October 2006.

By /s/Karen M. Oakes
Karen M. Oakes, OSB # 98463
Attorney for Plaintiff

FORM B9A (Individual-No Asset) (4/14/05)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OregonU.S. BANKRUPTCY COURT
DISTRICT OF OREGON
FILED

August 8, 2005

Clerk, U.S. Bankruptcy Court

BY *llw* DEPUTY**Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, Deadlines, *Proposed Case Dismissal*, and Trustee Appointment**A Chapter 7 bankruptcy case concerning the debtor(s) named below was **FILED ON 8/5/05**.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office.

NOTE: The staff of the bankruptcy clerk's office is forbidden by law from giving legal advice.

SEE REVERSE SIDE FOR IMPORTANT EXPLANATIONS

Debtor(s) (name(s) and address):

Rita L. Childers**Robert H. Childers**1836 Logan St
Klamath Falls, OR 97603Case Number: **05-66456-aer7**Soc. Sec./Taxpayer ID Nos.: xxx-xx-9559
xxx-xx-2933

Debtor(s) Attorney:

KAREN M OAKES
120 S 9TH ST
KLAMATH FALLS, OR 97601
Telephone No.: (541) 273-1650

Trustee:

Candace Amborn
POB 580
Medford, OR 97501-0214
Telephone No.: (541) 858-9591**DO NOT FILE A PROOF OF CLAIM UNLESS YOU RECEIVE A NOTICE TO DO SO!****Meeting of Creditors****October 13, 2005 AT 09:00 AM IN Klamath County Courthouse, 316 Main St Rm 328, Klamath Falls, OR 97601****Deadlines****Documents must be received by the bankruptcy clerk's office by the following deadlines:****DEADLINE to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts:**
12/12/05**DEADLINE to Object to Exemptions:** Thirty (30) days after the *conclusion* of the meeting of creditors.**Creditors May Not Take Certain Actions**

The filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.

Notice of Proposed Dismissal of Case**YOU ARE NOTIFIED** this case may be dismissed without further notice if the debtor(s) fail to either complete the meeting of creditors set above, or timely file any documents and/or make fee payments as ordered by the court, unless within 20 days of the above "FILED" date a party in interest files a written objection to dismissal, **setting forth** specific grounds, with the Clerk of Court **AND** sends copies to BOTH the debtor's attorney (or debtor if pro se) AND trustee.**IMPORTANT:** Unless you receive an Order of Dismissal from this court, this case is active and the automatic stay is in effect!**Trustee Appointment**

The trustee named above is hereby appointed as interim trustee in this case. Such trustee's bond shall be the blanket bond heretofore approved and filed with the U.S. Bankruptcy Court Clerk.

UNITED STATES TRUSTEE

DO NOT FILE A PROOF OF CLAIM UNLESS YOU RECEIVE A NOTICE TO DO SO!**Bankruptcy Clerk's Office:**

Phone: 541-465-6448 Office Hours: 9:00AM-4:30PM

Paper Document Filing Location: See Information on Back

For the Court:

Date: 8/8/05

Clerk, U.S. Bankruptcy Court

Exhibit 1
page 1 of 3

FORM B9A (4/14/05)

EXPLANATIONS

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under Chapter 7 of the Bankruptcy Code (Title 11, United States Code) has been filed in this court by the debtor(s) named on the front side, and an order for relief has been entered.
Relief from Stay	Requests for <i>NON</i> –judicial relief from the stay of §362(a) of the Bankruptcy Code, which limits actions to recover debtor's property, must comply with Local Form #715. Requests for judicial relief must comply with Local Form #720.50.
Creditors May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages.
Meeting of Creditors	The DEBTOR (both husband and wife in a joint case) IS REQUIRED TO ATTEND AND COMPLETE the meeting of creditors scheduled for the date, time and location listed on the front side OR THIS CASE MAY BE DISMISSED! IMPORTANT NOTES: (1) This meeting is NOT held at the court; AND (2) Debtor must provide a photo ID (e.g., driver's license; federal, state, student or military ID; U.S. passport; or resident alien card). Debtor must also provide proof of reported social security number (e.g., social security card; medical insurance card; pay stub; W-2 form; IRS form 1099; or Social Security Admin. report). Original photo IDs and other documents are required. Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. YOU THEREFORE SHOULD NOT FILE A PROOF OF CLAIM AT THIS TIME. If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim and the deadline for filing your proof of claim, and providing you with a partially completed proof of claim form.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code §727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code §523(a)(2), (4), (6), or (15), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that Deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive that objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Court Clerk's Office (Document Filing, and Copies)	Any PAPER document that you file in this bankruptcy case (i.e., one not filed electronically via the Internet) must be filed at: U.S. Bankruptcy Court POB 1335 Eugene, OR 97440 (IMPORTANT NOTE: The Meeting of Creditors is <u>NOT</u> held at this address!) You may inspect all filed documents, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office. A deputy clerk will make copies of paper documents for 50¢ a page (e.g., Schedules average \$10). Additionally, but only in the Portland office as the Eugene vendor quit, you may make copies of paper documents for 15¢ a page. If the document is available as an electronic image, then you may make copies for 10¢ per page using a public access terminal at either court office. Written requests for copies of court documents must include a self addressed and stamped 9" x 12" envelope, a \$26 search fee and the appropriate copy fee.
Internet Access, Information and Legal Advice	Court, and most case information, may also be accessed via the court's website at www.orb.uscourts.gov . For account numbers, etc. contact the debtor's attorney. Contact your OWN attorney with other questions and to protect your rights. The clerk's office staff is forbidden by law from giving legal advice!
-- Refer to Other Side for Important Deadlines and Notices --	

Exhibit 1

page 2 of 3

Enterprise Systems Incorporated
11487 Sunset Hills Road
Reston, Virginia 20190-5234

CERTIFICATE OF SERVICE

District/off: 0979-6
Case: 05-66456

User: lauri
Form ID: B9A

Page 1 of 1
Total Served: 29

Date Rcvd: Aug 08, 2005

The following entities were served by first class mail on Aug 10, 2005.

db +Rita L. Childers, 1836 Logan St, Klamath Falls, OR 97603-5128
jdb +Robert H. Childers, 1836 Logan St, Klamath Falls, OR 97603-5128
aty +KAREN M OAKES, 120 S 9TH ST, KLAMATH FALLS, OR 97601-6174
tr Candace Amborn, POB 580, Medford, OR 97501-0214
smg +Dept of Justice, Division of Child Support, Attn: Bankruptcy Unit, POB 14670,
Salem, OR 97309-5013
ust +US Trustee, Eugene, 211 E 7th Ave #285, Eugene, OR 97401-2722
5886220 +Bac-bankcard, 1825 E Buckeye Rd, Phoenix, AZ 85034-4252
5886221 +Bank of America, PO Box 60069, City of Industry, CA 91716-0069
5886222 +Bankcard Services, PO Box 17313, Baltimore, MD 21297-1313
5886224 +Citibank, Po Box 6241, Sioux Falls, SD 57117-6241
5886225 +Citibank USA, PO Box 9714, Johnson City, TN 37615-9714
5886227 +Enterprise Irrigation District, 3939 South 6th Street #325, Klamath Falls, OR 97603-4728
5886228 +Equifax, PO Box 105873, Atlanta, GA 30348-5873
5886229 +Experian, PO Box 9600, Allen, TX 75013-9600
5886230 Gemb/care Care One Tan, Po Box 276, Dayton, OH 45401
5886231 +Highland Community Cr, 3737 Shasta Way, Klamath Falls, OR 97603-4884
5886232 Home Depot Credit Services, PO Box 9100, Des Moines, IA 50368-9100
5886233 +Hsbc Nv, 12447 Sw 69th Ave, Tigard, OR 97223-8517
5886234 +Hsbc/gotts, Po Box 703, Wood Dale, IL 60191-0703
5886237 Klamath County Tax Assessor, PO Box 3599, Portland, OR 97208-3599
5886239 +Staples, PO Box 249, Chaska, MN 55318-0249
5886240 +TransUnion, PO Box 6790, Fullerton, CA 92834-9416
5886241 +Us Bank, Cb Disputes Po Box 108, Saint Louis, MO 63166-0108
5886242 +Washington Mutual Bank, Po Box 1093, Northridge, CA 91328-1093

The following entities were served by electronic transmission on Aug 09, 2005 and receipt of the transmission was confirmed on:

tr EDI: QCEAMBORN.COM Aug 08 2005 22:24:00 Candace Amborn, POB 580, Medford, OR 97501-0214
5886223 +EDI: CAPITALONE.COM Aug 08 2005 22:24:00 Capital 1 Bk, 11013 W Broad St,
Glen Allen, VA 23060-5937
5886224 +EDI: CITICORP.COM Aug 08 2005 22:24:00 Citibank, Po Box 6241, Sioux Falls, SD 57117-6241
5886225 +EDI: CITICORP.COM Aug 08 2005 22:24:00 Citibank USA, PO Box 9714,
Johnson City, TN 37615-9714
5886226 +EDI: COUNTRYWIDE.COM Aug 08 2005 22:24:00 Countrywide Home Lending,
450 American St Credit Reporting S, Simi Valley, CA 93065-6285
5886235 +EDI: IRS.COM Aug 08 2005 22:24:00 IRS - Insolvency Group, 4330 Watt Avenue SA5357,
Sacramento, CA 95821-7012
5886236 +EDI: TSYS.COM Aug 08 2005 22:24:00 Jc Penney, P.o. Box 981400, El Paso, TX 79998-1400
5886238 +EDI: PROVID.COM Aug 08 2005 22:24:00 Providian, 4900 Johnson Dr, Pleasanton, CA 94588-3308
TOTAL: 8

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 10, 2005

Signature:

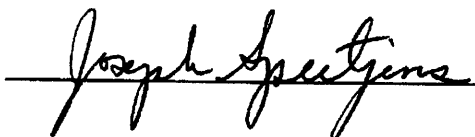


Exhibit 1
page 3 of 3

Law Office of Karen M. Oakes, P.C.

120 South 9th Street
Klamath Falls, OR 97601
541.273-1650/541.273-1653 (fax)

May 3, 2005

Gemb/Care One
Po Box 276
Dayton, OH 45401

RE: Rita L. Childers and Robert H. Childers
Account #: 601918000358

Dear Sir or Madam:

I represent this client. You are instructed to stop all telephone communications. All collection communications must be in writing to the client.

My client may or may not intend to file for bankruptcy protection, and any present intent is subject to change at any time.

Regardless, you must **cease and desist** from telephoning my client. **This prohibition is enforceable under Oregon state law (Chapter 646 et seq.) even if you are a creditor and not a debt collector, for phone calls at work.**

You may sue my client, and you should use my client's direct address for suit purposes but do not call my client at work.

I do not advise my clients to sign reaffirmation agreements for more than trade-in value or to settle unsecured debts.

You are listed in the client's credit reports. If you received this in error, please take the necessary steps to delete your entry from my client's credit reports.

I have no more information to give you. You may contact the U.S. Bankruptcy Court at (541) 465-6448 to see if a filing has taken place. If you insist on telephoning someone, please telephone my office on Fridays between 9:00 a.m. and 3 p.m.

Sincerely,

LAW OFFICE OF KAREN M. OAKES, P.C.



Karen M. Oakes
Attorney at Law
pc Rita L. Childers and Robert H. Childers

Exhibit 2

CERTIFICATE OF SERVICE

Karen M. Oakes, attorney for the debtor(s), hereby certifies to the Court as follows:

- 1 I am not a party for the foregoing proceeding;
- 2 I am not less than 18 years of age;
3. I have this day served a copy of the foregoing **NOTICE OF OPPORTUNITY FOR HEARING and MOTION TO APPOINT MARY CHILDERS AS "NEXT FRIEND" FOR JAMES CHILDERS WITH ATTACHED MEMORANDUM OF LAW** on the following parties in interest via the Bankruptcy Court's Electronic Case Filing system as follows:

Candace Amborn, Chapter 7 Trustee
PO Box 580
Medford, OR 97501

Gail Geiger, US Trustee
711 E. 7th Avenue #285
Eugene, OR 97401

4. I have this day served a copy of the foregoing **NOTICE OF OPPORTUNITY FOR HEARING and MOTION TO APPOINT DEBTOR MARY JEAN CHILDERS AS "NEXT FRIEND" FOR DEBTOR FRANCIS JAMES CHILDERS** on all parties in interest on the attached creditor matrix by placing the same in an envelope, first-class mail, postage prepaid, addressed to each person at his dwelling house or usual place of abode or to the place where he regularly conducts his business or profession as follows:

5. To the best of my knowledge, information and belief, the parties in interest are not infants or incompetent persons;

6. Service as outlined herein was made within the United States of America.

Dated this the __30th__ day of November 2005

/s/Karen M. Oakes
Karen M. Oakes
Law Office of Karen M. Oakes, P.C.
Attorney for the Debtor(s)
6502 South 6th Street
Klamath Falls, OR 97603
OSB # 98463
(541) 273-1650 / FAX (541) 273-1653
Primary e-mail: karenmo@charter.net

Exhibit 3

page 1 of 2

Debtor(s): Rita L. Childers
Robert H. Childers

Case No: 05-66456-AER7
Chapter: 7

DISTRICT OF OREGON
EUGENE DIVISION

Bac-bankcard
1825 E Buckeye Rd
Phoenix, AZ 85034

Gemb/care Care One Tan
Po Box 276
Dayton, OH 45401

TransUnion
PO Box 6790
Fullerton, CA 92834

Bank of America
PO Box 60069
City of Industry, CA 91716

Highland Community Cr
3737 Shasta Way
Klamath Falls, OR 97603

Us Bank
Cb Disputes Po Box 108
Saint Louis, MO 63166

Bankcard Services
PO Box 17313
Baltimore, MD 21297

Home Depot Credit Services
PO Box 9100
Des Moines, IA 50368-9100

Washington Mutual Bank
Po Box 1093
Northridge, CA 91328

Capital 1 Bk
11013 W Broad St
Glen Allen, VA 23060

Hsbc Nv
12447 Sw 69th Ave
Tigard, OR 97223

Citibank
Po Box 6241
Sioux Falls, SD 57117

Hsbc/gotts
Po Box 703
Wood Dale, IL 60191

Citibank USA
PO Box 9714
Johnson City, TN 37615

IRS - Insolvency Group
4330 Watt Avenue SA5357
Sacramento, CA 95821

Countrywide Home Lending
450 American St Credit Reportin
Simi Valley, CA 93065

Jc Penney
P.o. Box 981400
El Paso, TX 79998

Enterprise Irrigation District
3939 South 6th Street #325
Klamath Falls, OR 97603

Klamath County Tax Assessor
PO Box 3599
Portland, OR 97208-3599

Equifax
PO Box 105873
Atlanta, GA 30348

Providian
4900 Johnson Dr
Pleasanton, CA 94588

Experian
PO Box 9600
Allen, TX 75013

Staples
PO Box 249
Chaska, MN 55318

Exhibit 3
page 2 of 2

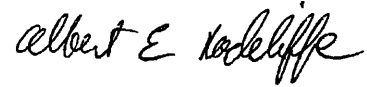
U.S. BANKRUPTCY COURT
DISTRICT OF OREGON

FILED

December 22, 2005

Clerk, U.S. Bankruptcy Court

Below is an order of the Court.



U.S. Bankruptcy Judge

DC7 (10/30/03) ksq

UNITED STATES BANKRUPTCY COURT
District of Oregon

In re

Rita L. Childers, xxx-xx-9559

Robert H. Childers, xxx-xx-2933

Debtor(s)

) Case No. **05-66456-aer7**

) CHAPTER 7 ORDER RE: DISCHARGE;
) AND ORDER DISCHARGING TRUSTEE
) AND CLOSING CH. 7 "NO ASSET"
) ESTATE
)

It appearing that on 8/5/05 a bankruptcy petition was filed by the debtor(s); timely complaints filed pursuant to 11 USC §523(a) could be pending and the court could still order that any affected debt is nondischargeable, however no complaint objecting to the debtor's discharge pursuant to 11 USC §727 was timely filed (or such complaint was filed, and after due notice and hearing, was not sustained); no compliant written reaffirmation agreement was timely filed or approved by the court; the trustee has filed a report of no assets and performed all other administrative duties as required; and therefore,

IT IS ORDERED that:

1. The debtor(s) shall be granted a discharge under §727 of Title 11, United States Code (the Bankruptcy Code).
2. The trustee's trust is discharged and relieved; the trustee's bond is cancelled and any surety thereon released from further liability thereunder, except any liability which may have accrued during the time such bond was in effect; this estate is closed; the case is closed; and the court shall retain jurisdiction over any adversary proceeding(s) pending at the time of closure.

Page 1 of 2

IMPORTANT: Debtors must IMMEDIATELY READ the back of this document!

Exhibit 4
page 1 of 3

EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE

This court order grants a discharge to the person(s) named as a debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited. The discharge prohibits any attempt to collect from a debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. (If applicable there are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.) A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts that are Discharged. The Chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to Chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts that are Not Discharged. Some of the common types of debts which are not discharged in a Chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts that are in the nature of alimony, maintenance, or support;
- c. Debts for most student loans;
- d. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- e. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle while intoxicated;
- f. Some debts which were not properly listed by the debtor;
- g. Debts the bankruptcy court specifically has decided or will decide in this case are not discharged;
- h. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts.

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

Enterprise Systems Incorporated
11487 Sunset Hills Road
Reston, Virginia 20190-5234

CERTIFICATE OF SERVICE

District/off: 0979-6
Case: 05-66456

User: kimq
Form ID: DC7

Page 1 of 1
Total Served: 25

Date Rcvd: Dec 22, 2005

The following entities were served by first class mail on Dec 24, 2005.

db +Rita L. Childers, 1836 Logan St, Klamath Falls, OR 97603-5128
jdb +Robert H. Childers, 1836 Logan St, Klamath Falls, OR 97603-5128
5886220 +Bac-bankcard, 1825 E Buckeye Rd, Phoenix, AZ 85034-4252
5886221 +Bank of America, PO Box 60069, City of Industry, CA 91716-0069
5886222 +Bankcard Services, PO Box 17313, Baltimore, MD 21297-1313
5886224 +Citibank, PO Box 6241, Sioux Falls, SD 57117-6241
5886225 +Citibank USA, PO Box 9714, Johnson City, TN 37615-9714
5886227 +Enterprise Irrigation District, 3939 South 6th Street #325, Klamath Falls, OR 97603-4728
5886228 +Equifax, PO Box 105873, Atlanta, GA 30348-5873
5886229 +Experian, PO Box 9600, Allen, TX 75013-9600
5886230 +Gemb/care Care One Tan, PO Box 276, Dayton, OH 45401-0276
5886231 +Highland Community Cr, 3737 Shasta Way, Klamath Falls, OR 97603-4884
5886232 +Home Depot Credit Services, PO Box 9100, Des Moines, IA 50368-9100
5886233 +Hsbc Nv, 12447 Sw 69th Ave, Tigard, OR 97223-8517
5886234 +Hsbc/gotts, PO Box 703, Wood Dale, IL 60191-0703
5886237 +Klamath County Tax Assessor, PO Box 3599, Portland, OR 97208-3599
5886239 +Staples, PO Box 249, Chaska, MN 55318-0249
5886240 +TransUnion, PO Box 6790, Fullerton, CA 92834-9416
5886241 +Us Bank, Cb Disputes Po Box 108, Saint Louis, MO 63166-0108
5886242 +Washington Mutual Bank, PO Box 1093, Northridge, CA 91328-1093

The following entities were served by electronic transmission on Dec 23, 2005 and receipt of the transmission was confirmed on:

5886221 +EDI: BANKAMER2.COM Dec 22 2005 23:19:00 Bank of America, PO Box 60069,
City of Industry, CA 91716-0069
5886223 +EDI: CAPITALONE.COM Dec 22 2005 23:19:00 Capital 1 Bk, 11013 W Broad St,
Glen Allen, VA 23060-5937
5886224 +EDI: CITICORP.COM Dec 22 2005 23:19:00 Citibank, PO Box 6241, Sioux Falls, SD 57117-6241
5886225 +EDI: CITICORP.COM Dec 22 2005 23:19:00 Citibank USA, PO Box 9714,
Johnson City, TN 37615-9714
5886226 +EDI: COUNTRYWIDE.COM Dec 22 2005 23:19:00 Countrywide Home Lending,
450 American St Credit Reporting S, Simi Valley, CA 93065-6285
5886235 +EDI: IRS.COM Dec 22 2005 23:19:00 IRS - Insolvency Group, 4330 Watt Avenue SA5357,
Sacramento, CA 95821-7012
5886236 +EDI: TSYS.COM Dec 22 2005 23:19:00 Jc Penney, P.o. Box 981400, El Paso, TX 79998-1400
5886238 +EDI: PROVID.COM Dec 22 2005 23:19:00 Providian, 4900 Johnson Dr, Pleasanton, CA 94588-3308
TOTAL: 8

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 24, 2005

Signature:

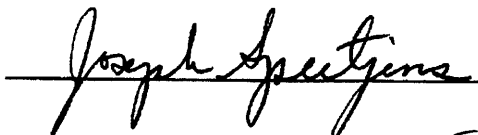


Exhibit 4

page 3 of 3

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§152 and 35

Exhibit 5
page 1 of 2

DEBTOR(S):

RITA L CHILDERS
XXX-XX-9559
1836 LOGAN ST
KLAMATH FALLS OR 97603

ROBERT H CHILDERS
XXX-XX-2933
1836 LOGAN ST
KLAMATH FALLS, OR 97603

OBLIGOR(S):

RITA L CHILDERS
ROBERT H CHILDERS

BANKRUPTCY NUMBER: 06-61441
FILING DATE: 7/30/2006
CHAPTER: 13

GE Consumer Finance
For GE Money Bank
PO Box 960061
Orlando, FL 32896-0661


ACCOUNT SUMMARY

Account Number: 601918RMS3586233
Account Type: Credit Card

Balance at Filing Date: \$885.29

Pursuant to paragraph 9 Official Bankruptcy Form 10, Proof of Claim, in lieu of attaching voluminous account documents, a summary of the account, compiled from the information contained in the account databases of GE Money Bank / CAR CARE ONE and their agents, if any, is provided. (See Instructions to Official Form 10). This debt arises from the use of a credit / charge card account or other money loaned, the supporting documents for which were provided by GE Money Bank / CAR CARE ONE to the debtor pre-petition. For further information about this claim call (800) 480-2140 and ask to speak to the Claims Servicing Supervisor. Some documents may no longer be available.

FORM B10 (Official Form 10) (4/01)

United States Bankruptcy Court District of Oregon, Eugene Division		Ch. 13 CHAPTER								
Name of Debtor RITA L CHILDERS AND ROBERT H CHILDERS, XXX-XX-9559 AND XXX-XX-2933		Case Number 06-61441								
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S. C. § 503		PROOF OF CLAIM (Cases Filed 4/1/01 & After)								
Name of Creditor (The person or other entity to whom the debtor owes money or property) GE Money Bank DBA Car Care One	<input type="checkbox"/> Check box If you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.									
Name and Address Where Notices Should be Sent GE Consumer Finance For GE Money Bank 737622 - 2148037 PO Box 960061 Orlando, FL 32896-0661	<input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input checked="" type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.									
Telephone No. (800) 480-2140 	This space for court use only									
Account or other number by which creditor identifies debtor: 601918RMS358623	Check here if this claim <input type="checkbox"/> amends <input type="checkbox"/> replaces a previously filed claim dated:									
1. BASIS FOR CLAIM <input checked="" type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input checked="" type="checkbox"/> Other: Revolving Credit Line	<input type="checkbox"/> Retiree benefits as defined in 11 U.S. C. § 1114 (a) <input type="checkbox"/> Wages, salaries, and compensation (Fill out below) Your social security number: _____ Unpaid compensation for services performed from _____ to _____									
2. DATE DEBT WAS INCURRED: 2004-2004		3. IF COURT JUDGMENT, DATE OBTAINED: Not Applicable								
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">4. Total Amount of Claim at Time Case Filed:</td> <td style="width: 33%; text-align: center;">\$404.82</td> <td style="width: 33%; text-align: center;">\$0.00</td> <td style="width: 33%; text-align: center;">\$404.82</td> </tr> <tr> <td></td> <td style="text-align: center;">(unsecured)</td> <td style="text-align: center;">(secured)</td> <td style="text-align: center;">(priority) (Total)</td> </tr> </table>			4. Total Amount of Claim at Time Case Filed:	\$404.82	\$0.00	\$404.82		(unsecured)	(secured)	(priority) (Total)
4. Total Amount of Claim at Time Case Filed:	\$404.82	\$0.00	\$404.82							
	(unsecured)	(secured)	(priority) (Total)							
If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.										
5. Secured claim <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of collateral: Amount of arrearage and other charges <u>at time case filed</u> included in secured claim above, if any \$ _____	7. Unsecured Priority Claim <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4650)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier-11 U.S.C. § 507(a)(3) <input type="checkbox"/> Contributions to an employee benefit plan-11 U.S.C. § 507(a)(4) <input type="checkbox"/> Up to \$2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use-11 U.S.C. § 507 (a)(6) <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child-11 U.S.C. § 507(a)(7) <input type="checkbox"/> Taxes or penalties owed to governmental units- 11 U.S.C. § 507(a)(8) <input type="checkbox"/> Other--Specify applicable paragraph of 11 U.S.C. § 507(a) <i>*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>									
6. Unsecured Nonpriority Claim _____ <input type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.		8. CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. 9 SUPPORTING DOCUMENTS: <u>Attach copies of supporting documents</u> , such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. 10. DATE-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of the proof of claim.								
Mail claim To: Clerk, U.S. Bankruptcy Court District of OR Eugene Division P.O. Box 1335 Eugene, OR - 97440		This Space Is for Court Use Only								
Date: September 19, 2006	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any) <div style="text-align: right;">/s/ Ramesh Singh</div> Ramesh Singh, Recovery Management Systems Corporation									

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§152 and 35

Exhibit 6

page 1 of 2

DEBTOR(S):

RITA L CHILDERS
XXX-XX-9559
1836 LOGAN ST
KLAMATH FALLS OR 97603

ROBERT H CHILDERS
XXX-XX-2933
1836 LOGAN ST
KLAMATH FALLS, OR 97603

OBLIGOR(S):

RITA L CHILDERS

BANKRUPTCY NUMBER: 06-61441
FILING DATE: 7/30/2006
CHAPTER: 13

GE Consumer Finance
For GE Money Bank
PO Box 960061
Orlando, FL 32896-0661

ACCOUNT SUMMARY

Account Number: 601918RMS358623
Account Type: Credit Card

Balance at Filing Date: \$404.82

Pursuant to paragraph 9 Official Bankruptcy Form 10, Proof of Claim, in lieu of attaching voluminous account documents, a summary of the account, compiled from the information contained in the account databases of GE Money Bank / Car Care One and their agents, if any, is provided. (See Instructions to Official Form 10). This debt arises from the use of a credit / charge card account or other money loaned, the supporting documents for which were provided by GE Money Bank / Car Care One to the debtor pre-petition. For further information about this claim call (800) 480-2140 and ask to speak to the Claims Servicing Supervisor. Some documents may no longer be available.